

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF PENNSYLVANIA**

INDECK KEYSTONE ENERGY LLC,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 04-325 Erie
	:	
VICTORY ENERGY OPERATIONS	:	Judge Sean J. McLaughlin
LLC,	:	
	:	
Defendant	:	
	:	
	:	JURY TRIAL DEMANDED

**DEFENDANT’S MOTION IN LIMINE NO. 7 BARRING ANY REFERENCE TO  
PRIOR LITIGATION, INCLUDING INDECK POWER EQUIPMENT CO. v.  
VICTORY ENERGY OPERATIONS LLC, OR CONNOLLY, ROBERTS &  
McGIVNEY v. VICTORY ENERGY OPERATIONS LLC**

**Introduction**

Defendant Victory Energy Operations LLC (“VEO”), by its undersigned counsel, for its Motion *In Limine* Barring Any Reference To Prior Litigation, Including *Indeck Power Equipment Co. v. Victory Energy Operations LLC*, And *Connolly, Roberts & McGivney V. Victory Energy Operations LLC v. Victory Energy Operations LLC*, states as follows:

1. VEO has been involved in other litigation wholly unrelated to the instant dispute, and it would be unfair, confusing and prejudicial to allow IKE or its counsel to make reference to prior litigation during the course of the trial of this cause.
2. Pursuant to Rule 403 of the Federal Rules of Evidence, what little probative value such testimony or evidence would potentially provide is greatly outweighed by the prejudicial effect such testimony would create.

3. Moreover, allowing reference to prior litigation would unnecessarily prolong the trial because VEO's counsel would be forced to present testimony to explain and rebut any negative inference.

**WHEREFORE**, Defendant Victory Energy Operations LLC requests that the Court enter an order barring IKE from introducing evidence or testimony from prior litigation involving Victory Energy Operations LLC.

Dated: April 27, 2007

Respectfully submitted,

/s/ Christopher T. Sheean  
One of the Attorneys for Defendant,  
VICTORY ENERGY OPERATIONS  
LLC

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Counsel for Victory Energy Operations LLC

**MOTION *IN LIMINE* CERTIFICATE**

Christopher T. Sheean, an attorney, certifies pursuant to Local Rule 16.1.4(D), that all parties made a reasonable effort to reach agreement on the issues raised by this motion prior to its filing.

/s/ Christopher T. Sheean\_\_\_\_\_

**CERTIFICATE OF SERVICE**

Christopher T. Sheean, an attorney, certifies that on the 27th day of April, 2007, he caused a copy of the foregoing *Defendant's Motion In Limine Barring Any Reference To Prior Litigation, Including Indeck Power Equipment Co. v. Victory Energy Operations LLC, And Connolly, Roberts & McGivney V. Victory Energy Operations LLC v. Victory Energy Operations LLC* to be filed electronically, and that the CM/ECF system for the court will e-mail a copy of the foregoing to the following counsel of record:

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/s/ Christopher T. Sheean  
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